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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,300	10/15/1999	PHIL-TAE KIM	P55862	1028

7590 12/17/2001

ROBERT E BUSHNELL
ATTORNEY AT LAW
1522 K STREET N W SUITE 300
WASHINGTON, DC 200051202

EXAMINER

ABDULSELAM, ABBAS L

ART UNIT PAPER NUMBER

2674

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/419,300

Applicant(s)

PHIL-TAEKIM

Examiner

Abbas Abdulsalam

Group Art Unit

2674



☒ Responsive to communication(s) filed on Oct 2, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Arguments

1. A certified copy of a foreign document has been received.
2. Applicant's arguments filed on 10/02/01 have been fully considered but they are not persuasive.

Applicant argues that Sakurai (USPN 5581685) does not disclose an indicator initially displayed at a predetermined position within a menu. Applicant also argues Sakurai does not disclose an indicator within an area of a submenu. However, as will be seen in the art rejection below, Hanson discloses an area indicator which is increased and decreased by one for a display of submenu and for a display of previous menu respectively. See column 9, lines 47-57. It would have been obvious to locate a predetermined position by increment/decrement method. Applicant argues that Sakurai does not disclose storing a location of a menu item in such a way when the submenu is erased, the indicator would go back to the stored location. However, as will be seen in the art rejection below, Sakurai teaches that the file name of a submenu is stored in a display-file-name storage area allocated in a memory. See column 9, lines 42-47, and see Fig 12 (S12).

Applicant argues that Miyashita (USPN 6186630) does not disclose a cathode ray tube. However, as will be seen in the art rejection below, Miyashita teaches an assignment mode screen, see Fig 8, a display (44) and screen display (Fig 13A-13B). In addition, it would have been obvious to one skilled in the art that the desired function from CRT can be equivalently done by LCD.

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3.. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Miyashita teaches that the use of remote controller helps as a projecting means for projecting an image onto a desired display area..

Claim Rejections 35 U.S.C. 103

4.. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (USPN 5581685) in view of Miyashita(USPN 6186630)

Regarding claims 1, 4 and 8, Sakurai teaches about displaying a menu, and submenu with area indicators. See Column 9, line 46-56, and Fig 13A. Sakurai teaches about displaying a menu in connection with menu items selection process (S4), and the process of loading and displaying a submenu (S11). Sakurai discloses an area indicator which is increased or decreased by one for a display of submenu and for a display of previous menu respectively. See column 9, lines 47-57.

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Sakurai also teaches that the file name of a submenu is stored in a display-file-name storage area allocated in a memory. See column 9, lines 42-47, and Fig 12. Moreover, Sakurai teaches that selection can be made using function keys in order to control the pages of the menu on a screen. See Column 9, line 24-30, line 42-46, line 57-63, and Fig 12. Sakurai teaches about the executing command and the display of a submenu (14) based on a menu display definition file. See column 6, line 25-34, and Fig 5-6. However, Sakurai does not teach about a remote controller with a trackball for controlling the movement of an indicator. Miyashita on the other hand teaches about a remote controller with a trackball (28a) for controlling a display position of a pointer. See Column 5, line 1-6, and Figure 3.

Regarding claims 2, 5, 14, it has been discussed above.

Regarding claim 3, 6, 7, 11, 12, and 15 Miyashita teaches about an enlargement of an image, and changing the position of a curser using a remote controller. See Column 3, line 10-17.

Regarding claims 9-10, Miyashita teaches about a projection system where the position of the pointer can be controlled apart from main control means. Miyashita further teaches that an operator can freely control the display position of the position mark by operating a hand-held remote controller. See Column 1, line 52-56, and Column 3, 5-10.

Regarding claim 13, see Fig 3 (28a 28b).

Regarding claim 16, Miyashita teaches an equivalent screen display, See 13A-B.

Regarding claim 17, Miyashita teaches about operating section (400), trackball (28a), menu button (22e, 22j), adjust button (28c), freeze button (22d) and other functions

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(24a,24b,24c) . See figure 3. Furthermore, Miyashita teaches about wireless receiver means (14a, 14b) with limited receiving ranges.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify sakurai's menu system to include Miyahsita's remote controller with all of its features. One would have been motivated in view of the suggestion in Miyashita that the desired manually operated remote controller is equivalent to Miyashita's remote controller, and the use of which helps for wirelessly transmitting an operation signal as taught by Miyashita.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

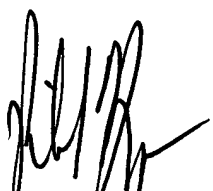
or faxed to:

(703) 872-9314 (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand delivered responses should be brought to crustal park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Abbas Abdulsalam

Examiner

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